



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,418	07/20/2001	Matthew D. Ferris	2316.1563US01	2646

23552 7590 12/04/2002

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

ABUTAYEH, MOHAMMAD

ART UNIT	PAPER NUMBER
----------	--------------

2873

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,418

Applicant(s)

FERRIS ET AL.

Examiner

Mohammad Abutayeh

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-18 and 21-27 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8, 11-13, 19, and 20 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on July 20, 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *Detailed Action*

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-3, 6-8, 11-13, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Curry et al. (US Patent No. 6,245,998).

Curry et al. discloses, as in Claim 1, a cover and hinge assembly (Figure 2) for covering a cable trough (Figure 2, 28) having a base (Figure 2, 32) and two sidewalls (Figure 2, 30 and 34), the assembly comprising: a cover plate (Figure 2, 54) having a pivot member (Figure 2, the lower portion part of member 56) along at least one edge; a hinge member (Figure 2, 50) defining a detent pocket, the pocket releasably holding the pivot member of the cover plate so that the cover plate may be rotated relative to the hinge member by rotation of the pivot member in the pocket (Column 3, Lines 46-61).

Curry et al. discloses, as in Claim 2, the cover and hinge assembly of Claim 1 wherein the cover plate defines at least one slot (Figure 2, 56) for receiving a portion of the hinge member.

Curry et al. discloses, as in Claim 3, the cover and hinge assembly of Claim 1 wherein the pivot member is a rounded post and wherein the pocket is a rounded channel as illustrated in Figure 2.

Curry et al. discloses, as in Claim 6, the cover and hinge assembly of Claim 1 wherein the pivot member is a first pivot member and wherein the edge is a first edge, and wherein the cover plate includes a second pivot member (Figure 2, the lower portion part of member 58) along a second edge opposite the first edge; wherein the assembly further comprises a second hinge member (Figure 2, 52) defining a pocket, the pocket releasably holding the second pivot member of the cover plate so that the cover plate may be rotated relative to the second hinge member by rotation of the second pivot member within the pocket of the second hinge member (Column 3, Lines 46-61).

Curry et al. discloses, as in Claim 7, the cover and hinge assembly of Claim 6 wherein the cover plate defines a first slot (Figure 2, 56) for receiving a portion of the first hinge member and wherein the cover plate defines a second slot (Figure 2, 58) for receiving a portion of the second hinge member.

Curry et al. discloses, as in Claim 8, the cover and hinge assembly of Claim 6 wherein the first and second pivot members are rounded posts and wherein the pockets of the first and second hinge members are rounded channels as illustrated in Figure 2.

Curry et al. discloses, as in Claim 11, a cover (Figure 2, 54) for covering a cable trough (Figure 2, 28), the cover plate comprising: a cover plate having first and second opposite edges as shown in Figure 2, a first pivot (Figure 2, the lower portion part of

member 56) post disposed along the first edge of the cover plate; a second pivot (Figure 2, the lower portion part of member 58) post disposed along the second edge of the cover plate, the second pivot post being parallel to the first pivot post as illustrated in Figure 2; wherein the cover plate defines at least one slot along each pivot post (Figure 2, 56 and 58).

Curry et al. discloses, as in Claim 12, the cover of Claim 11 wherein the cover plate defines a plurality of slots along each pivot post (Figure 2, Slots 56 and 60 for the first pivot post; Slots 58 and 62 for the second pivot post).

Curry et al. discloses, as in Claim 13, the cover of Claim 11 wherein the cover plate defines a uniform cross-section except for the slots as illustrated in Figure 2.

Curry et al. discloses, as in Claim 19, a cable trough and cover assembly (Figure 2) comprising: a cable trough (Figure 2, 28) having a base (Figure 2, 32) and two sidewalls (Figure 2, 30 and 34) extending from the base; a cover plate (Figure 2, 54) having a pivot member (Figure 2, the lower portion part of member 56) along at least one edge; a hinge pedestal (Figure 2, 50) having a base portion secured to the base of the cable trough and an extending body extending away from the base portion as illustrated in Figure 2, the extending body defining a pocket, the pocket sized to releasably receive the pivot member of the cover plate so that the cover plate may be rotated relative to the trough by rotation of the pivot member within the pocket (Column 3, Lines 46-61).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Curry et al. (US Patent No. 6,245,998).

Claim 20 is just a duplication of a cable trough and cover assembly set forth in Claim 19 and therefore is rejected because it would be obvious to a person skilled in the art to make the cable trough and cover assembly with two pockets and two cover plates each having a pivot member using the same device set forth in Claim 19. It would have been obvious for one skilled in the art, at the time the invention was made to duplicate the cable trough and cover assembly described in Claim 19 for the purpose of making the cable trough with two covers.

Allowable Subject Matter

5. Claims 4, 5, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not disclose the limitations of the claims in such a manner that a rejection under 35 USC 102 or 35 USC

Art Unit: 2873

103 would be proper. The prior art fails to reveal a cover and hinge assembly where the hinge member includes two arms coupled by a middle arm forming a U-shaped recess for receiving a sidewall of the trough between the first and second arms as described in Claims 4, 5, and 9, or where the interior sides of the arms of the hinge members include a retention tab having a ramped surface as described in Claim 10.

6. Claims 14-18 and 21-27 are allowed. The following is a statement of reasons for the indication of allowable subject matter: the prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in Claims 14-18, wherein the claimed invention is a hinge including two arms coupled by a middle arm forming a U-shaped recess to mount a cover plate with a pivots to a cable trough. The prior art fails to teach a combination of all the claimed features as presented in Claims 21-23, wherein the claimed invention is a cable trough having a base and two sidewalls each connected to a rotating cover plate with pivots by a hinge that includes two arms coupled by a middle arm forming a U-shaped recess. The prior art fails to teach a combination of all the claimed features as presented in Claims 24-26, wherein the claimed invention is a hinge pedestal that comprises an upstanding wall extending from a base defining a pocket sized to receive a pivot member of a rotating cover plate to be mounted on a cable trough. The prior art fails to teach a combination of all the claimed features as presented in Claim 27, wherein the claimed invention is a method of covering a cable trough having two sidewalls with a cover plate having a pivot by

Art Unit: 2873

snapping the pivot into a detent pocket of a hinge a hinge that includes two arms coupled by a middle arm forming a U-shaped recess.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Abutayeh whose telephone number is 703-605-0726. The examiner can normally be reached on Monday thru Friday 8:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on 703-308-4883. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7724 for regular communications and 703-308-7724 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.

Mohammad Abutayeh
Examiner
Art Unit 2873



MA

November 27, 2002



PATENT EXAMINER / FSA
AU 2873